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IN THE UNITED STATES DISTRICT COURT
FOR THE ~~WESTERN~~ DISTRICT OF PENNSYLVANIA
EASTERN

Name and address of Plaintiff:

Harvey Miguel Robinson, Jr.
#CJ-18032, SCI-Phoenix
Box 244
Collegeville, Pa 19426

v.

Full name, title, and business address
of each defendant in this action:

1 Pennsylvania Department of Corrections
1920 Technology Parkway
Mechanicsburg, Pa 17050

2 Correct Care Solutions (C.C.S.)
1283 Munfreesboro Pike, suite 500 (and also)
Nashville, TN 37217

Use additional sheets, if necessary

Number each defendant.

Correct Care Solutions
(C.C.S.)
SCI-Greene
175 Progress Dr.
Waynesburg, Pa 15370

Plaintiff brings this action against the above named and identified defendants on the following cause of action:

- I. Where are you now confined? SCI-Phoenix
What sentence are you serving? Death Sentence, Life
What court imposed the sentence? Lehigh County, Pa

II. Previous Lawsuits

- A. Describe any and all lawsuits in which you are a plaintiff which deal with the same facts involved in this action. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, using the same outline.)

1. Parties to this previous lawsuit

Plaintiffs NoneDefendants None

2. Court (if federal court, name the district; if state court, name the county) and docket number

None

(continued from page 1)

3. WellpathSCI-Greene175 Progress Dr.Waynesburg, Pa 153707. Walsh, PACSCI-Phoenix, Medical Dept.1200 Mokychic Dr., Box 244Collegedale, Pa 194264. Dr. Smyth, Medical DirectorSCI-Greene, Medical Dept.175 Progress Dr.Waynesburg, Pa 153705. Nurse Redings, Nurse PractitionerSCI-Greene, Medical Dept.175 Progress Dr.Waynesburg, Pa 153706. Dr. Welner, Medical DirectorSCI-Phoenix, Medical Dept.1200 Mokychic Dr., Box 244Collegedale, Pa 19426

Plaintiff brings this action against the above named and identified defendants on the following cause of action:

I. Where are you now confined? SCI-PhoenixWhat sentence are you serving? Death Sentence, LifeWhat court imposed the sentence? Lehigh County, Pa

II. Previous Lawsuits

A. Describe any and all lawsuits in which you are a plaintiff which deal with the same facts involved in this action. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, using the same outline.)

1. Parties to this previous lawsuit

Plaintiffs NoneDefendants None

2. Court (if federal court, name the district; if state court, name the county) and docket number

None

3. Name of judge to whom case was assigned N/A
4. Disposition (For example: Was the case dismissed? Was it appealed? Is it still pending?)
N/A
5. Approximate date of filing lawsuit N/A
6. Approximate date of disposition N/A

B. Prior disciplinary proceedings which deal with the same facts involved in this action:

Where? N/A

When? N/A

Result: N/A

III. What federal law do you claim was violated? N/A

IV. Statement of Claim

(State here as briefly as possible the facts of your case. Do not give any legal arguments or cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Use as much space as you need. Attach extra sheet if necessary.)

- A. Date of event: 10/6/17 until present day
- B. Place of event: SCI-Greene, SCI-Graterford, and SCI-Phoenix
- C. Persons involved--name each person and tell what that person did to you: 1) On 10/6/17, nurse Riding came to Plaintiff's cell for sick call. As she was approaching Plaintiff's cell, she stated to an officer accompanying her, and nurse Riding said she came to take Robinson's wheel chair, and inform him she's stopping his pain medication.
2) The officer then inquired as to the reason why nurse Riding was taking Plaintiff's wheel chair and stopping his pain medication, and nurse Riding said it was because Robinson won't stop filing grievances against us, upon information and belief, and that Dr. Smyth approved, and told her to do it.

(...continued on page 3A)

3) When nurse Riding got to Plaintiff's cell and the cell door opened. Nurse Riding then told me (Plaintiff) she was stopping his pain med's (ultram), and taking his wheel chair (and P/T), and the officer then took Plaintiff's wheel chair out of Plaintiff's cell and away from him.

4) As Nurse Riding was walking away, the officer asked her, "when will Robinson get his pain med's and wheel chair back?", and Nurse Riding said, "We don't know yet, we're just teachin' that crippled bitch a lesson the SCI-Greene way", then she said, "this'll make'm stop filing grievances", upon information and belief.

5) A number of prisoners heard the (above mentioned) exchange of words between the officer and Nurse Riding, two of them being Darien Houser and Jose Busenet that Plaintiff knows of so far.

6) Upon information and belief, Nurse Riding began lying and falsifying Plaintiff's medical records (i.e., his progress notes") on or about 10/6/17, and everytime after that, when she made an entry in them, as to the reason Plaintiff's wheel chair was taken and his pain med's stopped, and as to the reason she will not (e.g., during subsequent sick call visits) give Plaintiff his wheel chair back and pain med's, and so did Dr. Smyth.

7) Prior to this date of 10/6/17, Plaintiff filed a number of inmate grievance forms against Defendants Nurse Ridings and Dr. Smyth, including but not limited to 677566, 687101, 689773 and 677568.

8) Plaintiff was denied his wheel chair and (effective) pain med's by Defendants Smyth and Ridings from 10/6/17 until 4/5/18, for a total of a ("6-month time period"), which caused Plaintiff a tremendously great amount of adverse actions.

9) During this 6-month time period Plaintiff suffered the adverse actions of: 1) being denied all showers; 2) being denied all yard time; 3) being denied law library time; 4) not being able to clean his cell; 5) continuously falling while in his cell, causing swellings and extra pain and suffering; 6) urinating and defecating on him self, because of either falling while attempting to get to the toilet without his wheel chair, or nerve pain on lower back & hips being so bad it did not allow him to stand or even try to stand up from his bed without his wheel chair; and 7) caused increased and exasperated mental health problems.

10) a number of prisoners, some also workers, witnessed this (during this 6-month time period) as they also pleaded continuously for the officers to allow me to use my wheel chair, or for them (the prisoners) to be let into my cell and allowed to assist me, two of them being Jose Busenet and Darlen Houser.

11) By Defendants Dr. Smyth and Nurse Ridings denying Plaintiff his wheel chair, they, during this 6-month time period (which was a time period when Plaintiff needed his wheel chair the most), subjected him to adverse actions of continuous risks of serious further and future harm, whether it be he was trying to move around in/ or out of his cell.

12) By Defendants Dr. Smyth and Nurse Ridings denying Plaintiff (effective) pain med's, for this 6-month time period, they subjected Plaintiff to adverse actions of an almost continuous state of an extremely high level of torturous pain.

13) Plaintiff repeatedly, during sick call visits and them passing by and stopping to talk, informed Defendants Dr. Smyth, Dr. Welner, Nurse Ridings and Walsh, that: 1) he had spine surgery in 2010; 2) had spinal cord compression prior to the surgery for over one year (at least), which caused mid and lower body nerve damages; 3) ~~he~~ he has nerve damage in his upper body (arms and hands); 4) was taken off of "over-the-counter" pain med's (i.e., motrin, naproxen, and anti-inflammatories by them selves) in 2010 after spinal surgery, and given synthetic type (opioid/narcotic) pain med's to address pain over all, and Neurontin to address nervous system problems (convulsion and severe spasms) from 2010 until 2017; 5) Plaintiff can not freely walk

without using the wall, or furniture in my cell to side and only short distances, and upon moving too much, Plaintiff's mid-body and legs go completely numb and he can not stand at all; 6) he falls several times per week while trying to move around in and out of his cell; 7) he has 2-3 herniated discs in his cervical spine, 4-5 bulging and 2 herniated discs in his thoracic spine, 2 herniated discs in his lumbar spine, degenerative disc disease in 2 sections of his spine, and spinal stenosis in the cervical and lumbar of his spine, and mid and lower body nerve damage; 8) including a fused disc in his cervical spine, all of which created the necessity for Plaintiff being accommodated with his wheel chair, and receiving the pain med's that the Defendants denied him.

14) Plaintiff was denied (effective) pain med's by Defendants Dr. Welner and Walsh, starting in (approx) ~~April~~^{March} 2018 until present day, and is subjecting him to an almost continuous state of an extremely high level of torturous pain.

15) On 11/9/17, Plaintiff, because he was denied his wheel chair by the Defendants mentioned above, fell and injured his knee, and he was treated for the swelling, and on 11/14/17 an X-Ray was taken of his left knee.

16) On 2/6/18, Plaintiff, because he was denied his wheel chair by the Defendants named above, Fell and again injured his left knee, and a nurse was sent to the unit to take pictures of the injury.

17) Between the time period of 2009 until present day, Plaintiff has been granted the accommodation of a wheel chair by the Defendant D.O.C.

18) No medication Plaintiff was given as a substitution, for the ultram, norco or Tylenol 3 and 4 he received prior to 10/6/17, ever was effective in treating his high level of extreme chronic pain, and all Defendants were continuously informed of this.

19) All Defendants deliberately provided Plaintiff (and continue to) with totally ineffective pain med's, that each of them know are ineffective and yet and still they have, and continue to persist in a course of treatment for Plaintiff's severe chronic pain management, that all Defendants already knew/and know is totally ineffective, and purposely continue to do it.

20) Plaintiff is an individual with disabilities as his severe chronic neuropathy and pain substantially limits his mobility and ability to move around/walk from place to place.

21) Plaintiff is a qualified individual with disabilities (mentioned above), and failure of Defendant Pennsylvania Department of Corrections to provide Plaintiff with a wheel chair for the 6-month time period, i.e., reasonable accommodations causing him to be excluded from programs and services of a public entity, is a violation of the Americans With Disability Act, and Section 504 of the Rehabilitation Act.

22) Defendants Correct Care Solutions and Wellpath both offer and offer cost-savings incentive programs that were/are available to its employees including Defendants Dr. Smyth, Dr. Warner and possibly Nurse Robbins and Walsh, during the events giving rise to this lawsuit, whereby employees received monetary incentives to cut costs of prisoners' medical care, e.g., like choosing a cheaper pain med than an expensive one, upon information and belief.

23) As a result of the ineffective a cheaper pain med's, and most times none at all like now at present, Plaintiff has suffered and continues to suffer excessive extreme and torturous pain, debilitating weakness, and possibly permanent physical disability.

24) Defendants Correct Care Solutions and Wellpath was and are responsible for promulgating and effectuating the policies that resulted in Plaintiff being denied pain med's and his wheel chair, which violates Plaintiff rights under the Eighth Amendment of the U.S. Constitution.

25) Defendants Dr. Smyth, Dr. Wehrer, Nurse Ridding and Welsh were, and are employees of Defendants Correct Care Solutions and or Wellpath.

26) Defendants Correct Care Solutions and Wellpath are both vicariously liable for the negligent acts of its employees and agents.

(4)

- V. Did the incident of which you complain occur in an institution or place of custody in this District?
If so, where?

SCI-Greene, SCI-Graterford and
SCI-Phoenix

and answer the following questions:

- A. Is there a prisoner grievance procedure in this institution?

Yes ☒ No ☐

- B. Did you present the facts relating to your complaint in the state prisoner grievance procedure?

Yes ☒ No ☐

- C. If your answer is YES,

1. What steps did you take? I filed a grievance on
10/23/17 (no. 703291) and appealed to Final Review, which
is dated 5-9-18.
2. What was the result? It was denied

- D. If your answer is NO, explain why not: N/A

- E. If there is no prison grievance procedure in the institution, did you complain to prison authorities?

Yes ☐ No ☐ N/A

- F. If your answer is YES,

1. What steps did you take? N/A

2. What was the result? N/A

VI. Relief

State briefly exactly what you want the court to do for you. Make no legal arguments. Cite no cases or statutes.

Plaintiff seeks Declaratory judgment, Injunctive
relief, compensatory and punitive damages, Jury Trial, Attorney
fees and costs.

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.

5/5/20
(Date)

[Signature]
(Signature of Plaintiff)

Harvey Miguel Robinson
SC1-Phoenix
Box 244
Collegeville, Pa 19426

PA. DEPARTMENT OF
CORRECTIONS
PRIMATE MAIL

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May 5, 2020


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MAY 8 2020

Dear Clerk:

I'm the Plaintiff in this new 1983 complaint. I'm participating here. Enclosed with this letter is my 1983 complaint (civil) (Robinson v. Penn Dept. of Corr, et al), the original and seven (7) copies, and my IRP petition. The Inmate Accounts here at the prison refuses to send me 6-months of my certified account statement. Thank you for your time.

cc: personal file

By: 
Harvey Miguel Robinson, Jr.
Pro Se
CJ8032
SCI-Phoenix
Box 244
Collegeville, Pa 19426